

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ALLEN G. HUTCHENS,

Plaintiff,

v.

O R D E R

TERESA HUTCHENS-COLLINS,

Civil No. 04-281-ST

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Stewart referred to this court a Findings and Recommendation in this action (Doc. # 93). The Findings and Recommendation recommends that defendant Teresa Hutchens-Collins' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. # 89) should be granted in part and denied in part.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974).

Magistrate Judge Stewart provided a thorough analysis of the facts and circumstances regarding this litigation, and this analysis need not be repeated here. Magistrate Judge Stewart's recommendations are sound, correct, and entitled to adoption. No clear error appears on the face of the record. I adopt the Magistrate Judge's Findings and Recommendation (Doc. # 93).

## CONCLUSION

Defendant Teresa Hutchens-Collins' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. # 89) is GRANTED as to plaintiff's intentional infliction of emotional distress claim, and DENIED as to plaintiff's claim for intentional interference with prospective inheritance.

IT IS SO ORDERED.

Dated this 27 day of July, 2005.

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/s/Ancer L.Haggerty

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Ancer L. Haggerty  
United States District Judge